

JUDICIAL BRANCH

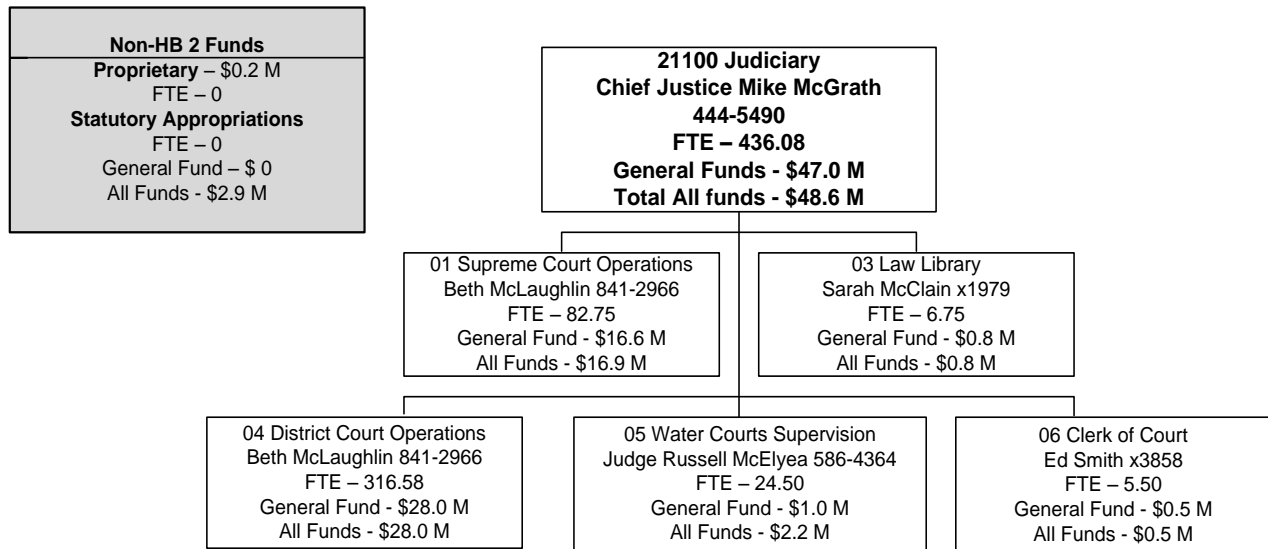
An Agency Profile Prepared by the
Legislative Fiscal Division

November, 2016



INTRODUCTION

The Judicial Branch's mission is to provide an independent, accessible, responsive, impartial and timely forum to resolve disputes; to preserve the rule of law; and to protect the rights and liberties guaranteed by the Constitutions of the United States and Montana.



HOW SERVICES ARE PROVIDED

The Judicial Branch provides services through the following courts and supporting functions.

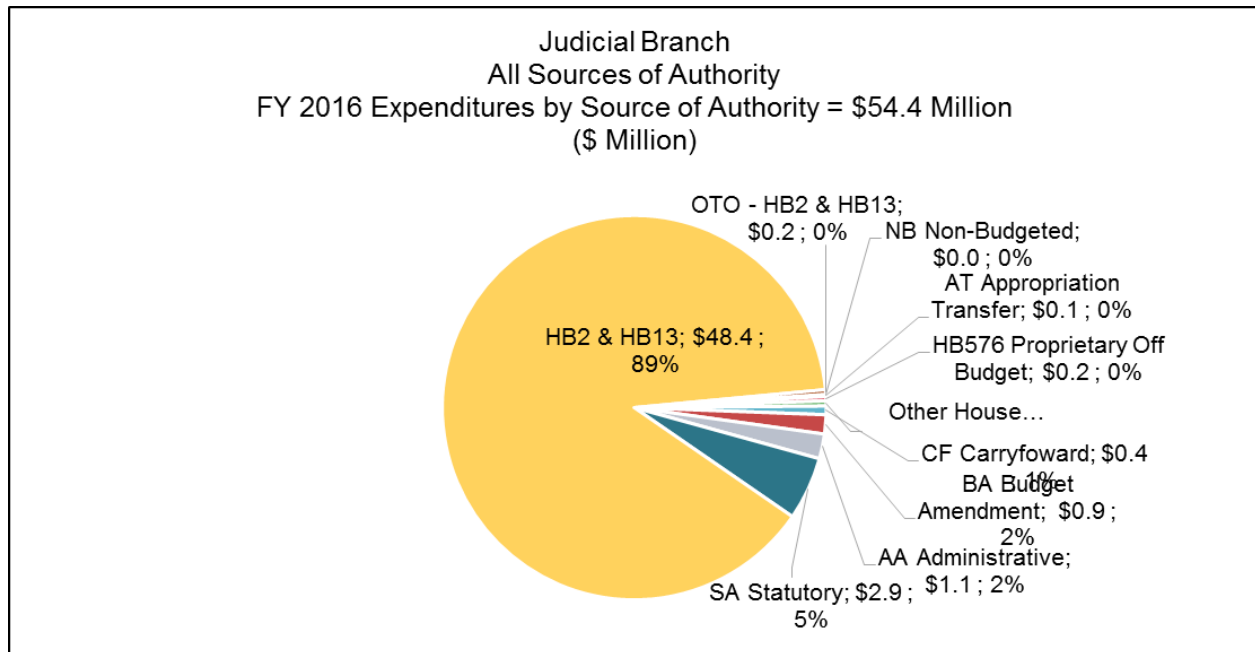
The Montana Supreme Court, which is a court of review and a court of original jurisdiction. The court has jurisdiction over appeals from all Montana district courts. This court also hears appeals from the Water and the Workers' Compensation Courts. It has original jurisdiction to hear and determine writs, attorney discipline, rules governing appellate procedure, and practice and procedures for the other courts. It also has supervisory control of all state courts and the entire judicial system. Under this court is the Office of Court Administrator who is the appointed administrative officer of the Supreme Court, administrative services, court services, and information technology development and support. The court uses boards and commissions to assist it in matters involving rulemaking and oversight of Judicial Branch functions in Montana. Among the boards and commissions within the branch are the: Sentence Review Board, Commission on Practice, Commission on Courts of Limited Jurisdiction, Judicial Standards Commission, and the Judicial Nomination Commission. The Clerk of the Supreme Court, an elected official, conducts the business of the Supreme Court, including controlling the dockets and filings, managing appellate mediations, maintaining the official roll of Montana attorneys, and licensing for the attorneys.

District courts are courts of general jurisdiction that process felony cases, probate cases, civil cases and actions, special actions and proceedings, naturalization proceedings, writs, and ballot issues and have some appellate jurisdiction of cases from courts of limited jurisdiction. Included in district courts is a function for overseeing probation of juveniles. Except for clerks of court or other elected county officials, operations of district courts including judges are funded by the state.

The Water Court adjudicates state law-based water rights and federal and Indian water right claims. The State Law Library, governed by the board of trustees composed of the seven members of the Supreme Court, provides resource information to the public and those working within the court system.

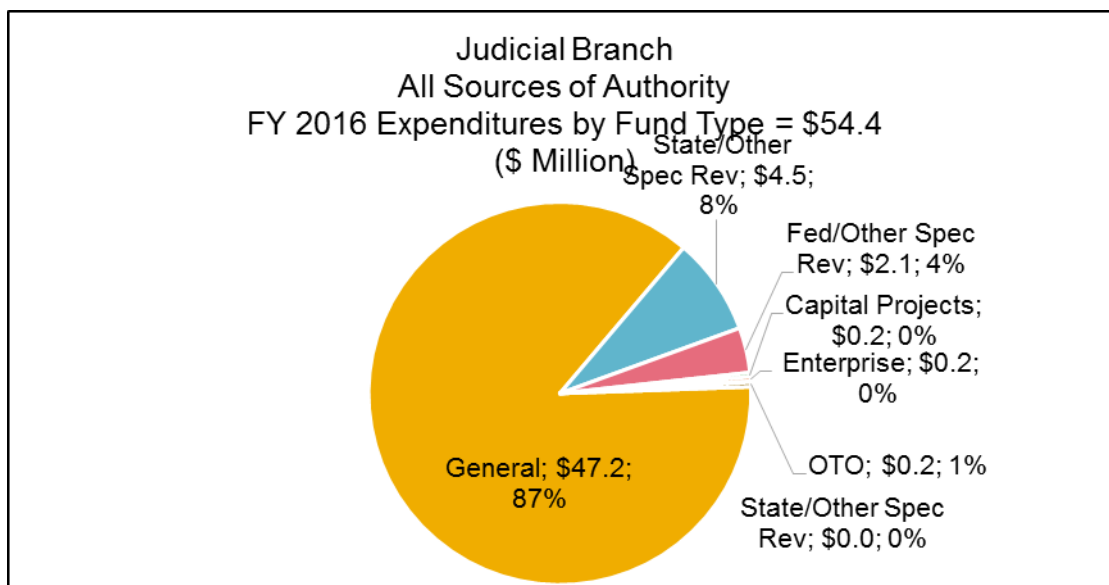
SOURCES OF SPENDING AUTHORITY

The following chart shows the sources of authority for the Judicial Branch. The majority of the funding comes from HB 2.



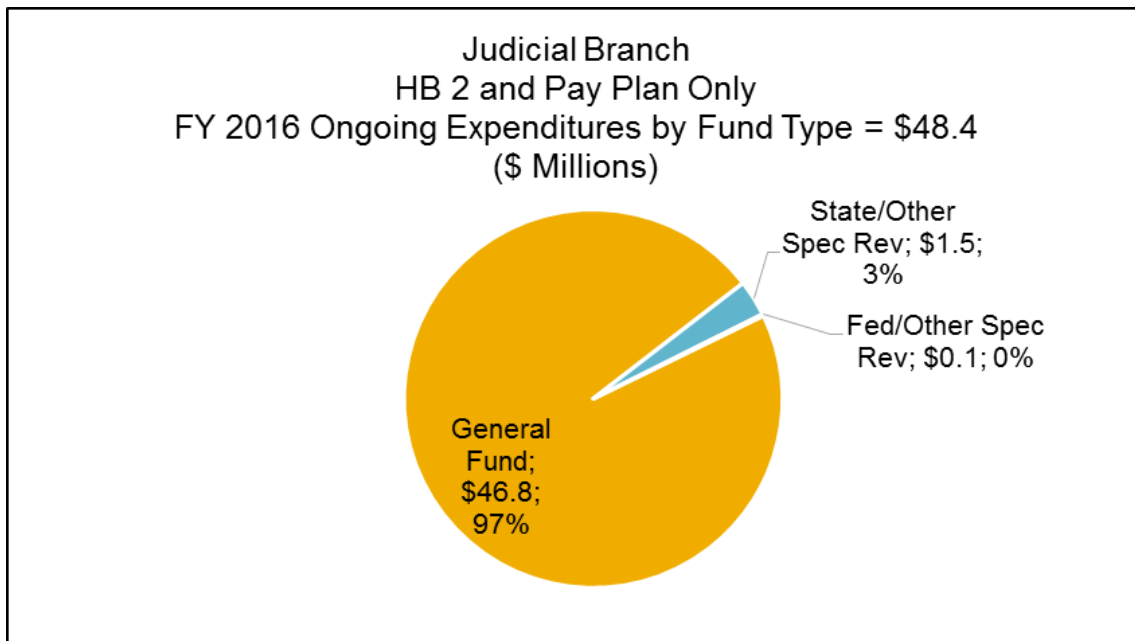
FUNDING

The branch receives the majority of its funding from the general fund. The largest sources of state special revenue are the natural resources operation fund and water adjudication fund, which support the Water Court. Other sources of state special revenue include fines and fees, assessments for training events, and the accrued county sick/vacation leave fund. Federal funds received by the branch support the Court Assessment Program.



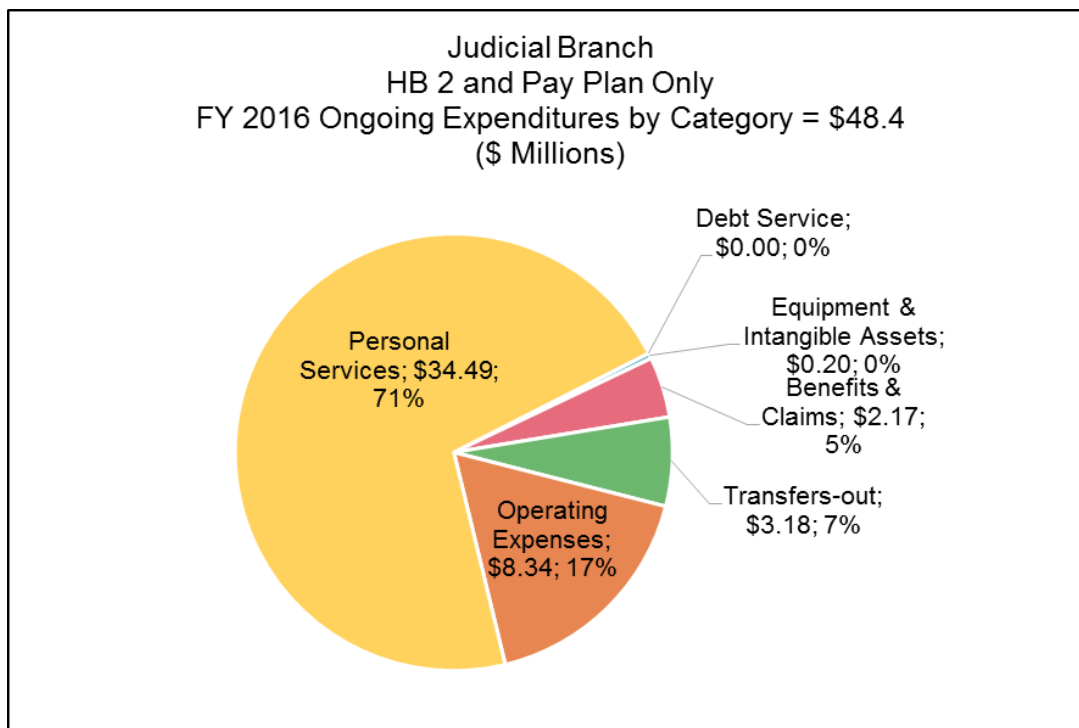
The above chart shows how Judicial Branch expenditures were funded in FY 2016 from all sources of authority by fund type.

The following chart shows how Judicial Branch expenditures were funding in FY 2016 from HB2 and pay plan by fund type.



EXPENDITURES

The following chart explains how the HB2 and pay plan authority was spent in FY 2016.



HOW THE 2017 LEGISLATURE CAN EFFECT CHANGE

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following factors that drive costs:

- Change constitutional guarantees and/or provisions related to the judicial system

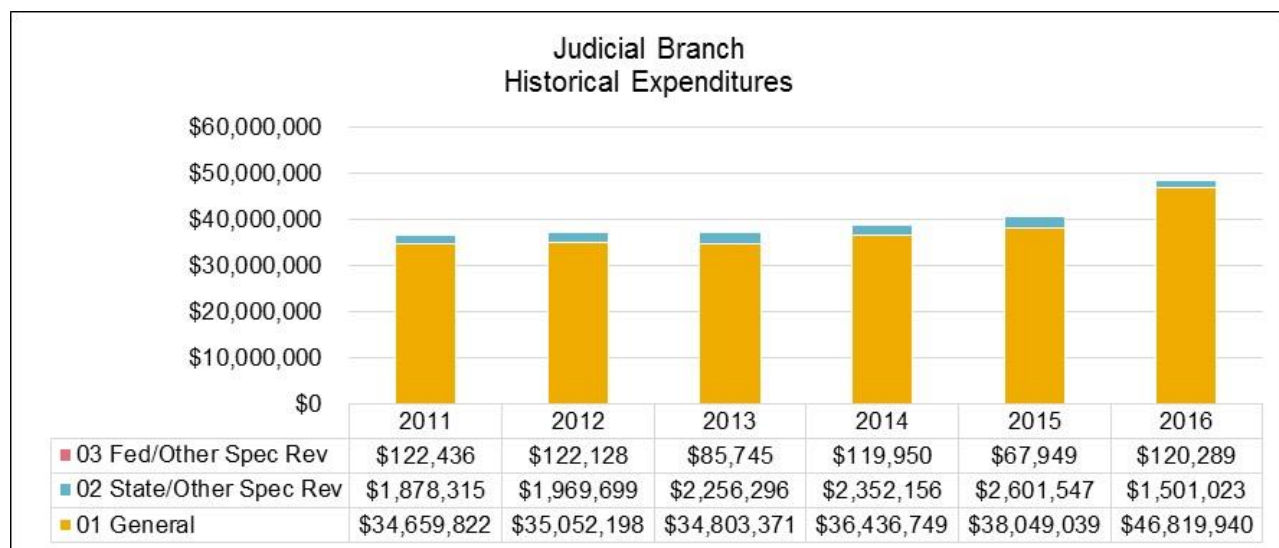
- Impact caseloads by changing statutes – criminal and civil proceedings. Also, in some cases dollar value of the crime directs the case to either a district court or lower court. Cases could be shifted between courts by changing the dollar threshold. This could create cost shifts since the state funds district courts while counties and cities fund lower court activities
- Increase or decrease the number of courts and/or create specialty courts (for example, family court, drug court, treatment courts). A change in the number and/or function(s) of a court may also increase or decrease efficiency, and thus increase or decrease costs
- Use of technology, such as video conferencing, may impact costs
- Change statutory requirements related to how courts are funded

MAJOR COST DRIVERS

Driver	2005	2015	Significance of Data
New district court cases filed and reopened - Abuse and Neglect	1,273	2,321	Shows caseload impacts on district courts
New district court cases filed and reopened - Criminal	8,752	10,707	Shows caseload impacts on district courts
New district court cases filed and reopened - Civil	12,998	20,197	Shows caseload impacts on district courts
New district court cases filed and reopened - Domestic Relations	8,137	10,731	Shows caseload impacts on district courts
New district court cases filed and reopened - All Cases	38,619	55,824	Shows caseload impacts on district courts
New case filings - Montana Supreme Court	738	806	Shows caseload impacts on supreme court
Court cases are shown for calendar year			

FUNDING/EXPENDITURE HISTORY, AUTHORITY USED TO ESTABLISH THE BUDGET BASE

The following table shows historical changes in the agency's base budget authority.



MAJOR LEGISLATIVE CHANGES IN THE LAST TEN YEARS

The following legislative changes have impacted the funding for the Judicial Branch:

- A surcharge on court cases was increased from \$5 to \$10 for funding of court technology in HB 18 of the 2003 Legislature
- A statewide public defender system was established and the functions were moved from the branch in SB 146 of the 2005 Legislature
- A district court judge was added to the 18th judicial district by SB 18 of the 2005 Legislature
- Funding previously established from a surcharge on court cases was directed for deposit into the general fund and general fund began funding court automation costs in HB 536 of the 2005 Legislature
- The Juvenile Delinquency Intervention Act was revised as were the Department of Corrections and the branch in SB 146 of the 2007 Legislature
- An accelerated water adjudication program was established in HB 473 of the 2007 Legislature and \$25 million general fund was transferred to the water adjudication state special revenue account to fund the program through FY 2020
- Long-range information technology program funding was appropriated in HB 4 of the May 2007 Special Session for case management and courtroom technology improvements
- Three district court judges, in the 1st, 11th, and 13th districts, were added by SB 158 of the 2009 Legislature
- An associate water judge was added to the water court by HB 587 of the 2011 Legislature
- HB 107 of the 2013 Legislature assigned funding responsibility for court appointed
- HB 233 of the 2015 Legislature transferred administration of juvenile placement funds to the Judicial Branch from the Department of Corrections

For more information, please visit the agency's website here: <http://courts.mt.gov/>.